



# **AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**17 August 2020 - 6.00pm**

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## **ORDER OF BUSINESS**

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### **APOLOGIES AND DECLARATIONS**

### **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **BASS HILL WARD**

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| <b>1</b> | <b>Application to amend Bankstown Local Environmental Plan 2015: 1<br/>Leicester Street, Chester Hill (Chester Square)</b> | <b>3</b> |
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### **ITEM 1                      Application to amend Bankstown Local Environmental Plan 2015: 1 Leicester Street, Chester Hill (Chester Square)**

**AUTHOR                      Planning**

### **PURPOSE AND BACKGROUND**

This report considers a planning proposal application to amend the building height and floor space ratio controls for the site at 1 Leicester Street, Chester Hill.

### **ISSUE**

Council is in receipt of an application for a planning proposal applying to 1 Leicester Street, Chester Hill (Chester Square). The application seeks to amend the Floor Space Ratio from 2.5:1 to 4.53:1, the Height of Buildings from 20m to 62m (6 storeys to 18 storeys), and introduce an affordable housing provision of 5% to facilitate higher density, mixed-use development on the site. The yield would be approximately 633 dwellings (32 affordable rental housing for 10 years retained by the proponent), and 15,621m<sup>2</sup> of commercial floor space. A public benefit offer accompanies the proposal, which includes a cold shell for a new 2,000m<sup>2</sup> library, public domain improvements to Waldron Road, widening of Frost Lane, and local road upgrades.

Council's assessment has found that, whilst the previous masterplanning for the centre is now old and outdated, the updated masterplanning for this centre has yet to commence, and while it is anticipated there will be significant change within the centre given the previous planning changes did not result in any development of the centre, this proposal as it currently stands now finds itself inconsistent with the current built form of Chester Hill. It is likely further masterplanning would ultimately be required to fully resolve this proposal in terms of built form context and economic impact. Whilst these matters should not prevent the consideration of strategic merit, which is what the Gateway process is about, they are important parts of the next steps before Council could make any final change to the LEP.

Whilst this stage of assessment is to determine whether there is strategic merit to apply for a Gateway approval, other detail which the early assessment has highlighted as issues that need to be further explored should Gateway approval be provided are:

- the height and density of the proposal
- the need to break up the length of the buildings and add an east/west connection
- the need for a design excellence clause to be applied to reflect the intent that future redevelopment of the site will be catalytic in nature
- the need to refine the proposed height of buildings map to provide certainty about the location of the proposed towers
- the need for more substantial public benefits to be offered by the proponent to aid renewal of the centre, and
- the proposal being out of sequence with Council's masterplanning program.

However, despite these issues, the planning proposal has merits which warrant thorough consideration. Chester Hill has experienced minimal private investment and renewal for an extended period of time. To date, the current planning controls have failed to deliver the growth and change envisaged by the North West Local Area Plan, which have been in effect for approximately 5 years. While not anticipated by Council's strategic plans, this proposal presents an opportunity for a landmark redevelopment which will catalyse investment, housing, and jobs throughout the rest of the centre, along with new services, facilities, and public domain improvements in Chester Hill.

This report details the assessment of the planning proposal and recommends it progress to Gateway and public exhibition as submitted, in order to explore the views of the resident and business community before a final decision is made. Consideration of public feedback and the applicant's responses to issues raised will need to occur at that time. Upon considering this, Council will be able to decide to proceed, not proceed, or make changes to the planning proposal in the public interest.

This report recommends that before the plan is finalised, the following matters need to be addressed:

- Council negotiate a more substantial public benefit offer with the proponent and in light of the intensity of development proposed. This should include a contribution to the broader strategic planning review for Chester Hill, supply of up to 15% of dwellings within the development for affordable housing, and contributions to further social and general infrastructure.
- A design excellence clause be applied to this important site to ensure any redevelopment is of a high quality sufficient to trigger investment and renewal throughout Chester Hill.
- A public domain plan be prepared for Chester Hill to identify the required works and cost the embellishment of Waldron Road, Frost Lane and Charles Place. This will include investigation of the feasibility of the proposed expansion of Charles Place and associated land acquisition costs and cost recovery mechanisms available to council.
- A site-specific DCP be prepared to further define the development controls for the development as outlined in this report.

Due to the substantial time and financial resources required to complete the work outlined above, this should only be undertaken knowing the Department of Planning, Industry and Environment has given its in-principle support for the planning proposal through the Gateway Determination. Otherwise, the time and money could be wasted.

Should Council decide to proceed, a review of the planning controls surrounding the site is recommended to ensure the planning controls do promote renewal and that that the proposal would better integrate from a built form perspective. In addition to this, negotiations should continue with the applicant for a more substantial public benefit offer given the intensity of development proposed and changes to planning controls for this site proceeding ahead of a broader review of planning controls in Chester Hill.

In accordance with the Local Planning Panel's Direction, the panel is requested to recommend whether the proposal should be referred to the Department of Planning, Industry and Environment for a Gateway Determination. The next step will be to report the matter to a Council meeting for a decision.

## **RECOMMENDATION** That -

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That the Local Planning Panel recommends the following:

1. The application to amend Bankstown Local Environmental Plan 2015 proceed to Gateway and public exhibition as submitted to allow the public to have their say on the proposal before a final decision is made.
2. After the planning proposal has been exhibited, a report be provided to Council outlining submissions received and the applicant's response to the issues raised in this report.
3. Before the plan is finalised:
  - a. Council negotiate a more substantial public benefit offer with the proponent as outlined in this report and in light of the intensity of development proposed. This should include a contribution to the broader strategic planning review for Chester Hill, supply of up to 15% of dwellings within the development for affordable housing, and contributions to further social and general infrastructure.
  - b. A design excellence clause be applied to this important site to ensure any redevelopment is of a high quality sufficient to trigger investment and renewal throughout Chester Hill.
  - c. A public domain plan be prepared for Chester Hill to identify the required works and cost the embellishment of Waldron Road, Frost Lane and Charles Place. This will include investigation of the feasibility of the proposed expansion of Charles Place and associated land acquisition costs and cost recover mechanisms available to council.
  - d. A site-specific DCP be prepared to further define the development controls for the development as outlined in this report.
4. Council seek authority from the Department of Planning, Infrastructure and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

## ATTACHMENTS

[Click here for Attachments B-H](#) [Click here for Attachments I-O](#)

- A. Attachment A Assessment Findings
- B. Attachment B Applicants Planning Proposal
- C. Attachment C Applicants Urban Design Report
- D. Attachment D Applicants Urban Design Addendum Report
- E. Attachment E Applicants Traffic and Parking Impact Assessment
- F. Attachment F Applicants Traffic and Parking Impact Assessment Addendum Report
- G. Attachment G Applicants Economic Impact Assessment
- H. Attachment H Applicants Economic Impact Assessment Addendum Report
- I. Attachment I Applicants Social Impact and Community Benefits Assessment
- J. Attachment J Applicants Landscape Concept Design
- K. Attachment K Councils Urban Design Peer Review
- L. Attachment L Councils Urban Design Peer Review of Revised Concept
- M. Attachment M Councils Economic Impact Peer Review
- N. Attachment N Councils Traffic and Transport Peer Review
- O. Attachment O Councils Social Needs Peer Review

## POLICY IMPACT

The current planning controls for Chester Hill were set through the implementation of the North West Local Area Plan, which occurred shortly after the gazettal of the Bankstown LEP 2015. Despite the introduction of the North West Local Area Plan, redevelopment within Chester Hill Town Centre has not occurred as envisaged by Council's controls. The proposal offers a unique opportunity to trigger renewal in a centre that has experienced limited growth under the existing controls and it is considered appropriate to explore the opportunities renewal of this site could bring towards revitalising the broader Chester Hill Town Centre. Even though the proposal is out of sequence from a timing perspective in Council's Local Strategic Planning Statement, the LSPS does not preclude unanticipated proposals from being progressed where they have merit and are consistent with the vision.

Due to the scale of renewal sought, a broader review of planning controls for the centre will be necessary if Council ultimately decides to proceed with the planning proposal. This will ensure that a consistent built form character for Chester Hill and appropriate infrastructure investment is achieved.

## FINANCIAL IMPACT

Independent peer reviews undertaken on behalf of Council have identified a number of public domain improvements, social assets and traffic works required to ensure that the precinct would continue to function well if the proposal was to proceed. Further negotiations with the proponent will be required to ensure that a planning agreement to provide an equitable share of these costs is entered into.

There will be significant additional costs incurred by Council resulting from the planning proposal to commence a broader strategic review of Chester Hill. For these reasons this report recommends that a contribution be provided by the applicant to fund this work.

## COMMUNITY IMPACT

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The planning proposal is accompanied by a letter of offer which outlines public benefits for Council's consideration. Public domain and infrastructure works outlined in the letter such as a new library and Waldron Road improvements as well as affordable housing would be positive benefits for the community (noting this report recommends further negotiations occur regarding the offer).

There is broader public benefit in the potential for the subsequent redevelopment of this site to trigger investment and renewal in Chester Hill. That will rely on the landmark nature of the development and high quality design, and a design excellence clause has been recommended for that reason.

To address the inconsistencies in planning controls with adjoining and surrounding sites, a review of planning controls for the broader Chester Hill centre and surrounds should be undertaken as part of Council's town centre masterplanning program. Given the significant time and financial costs of undertaking this body of work, it would not be undertaken in the absence of a gateway determination.

## DETAILED INFORMATION

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### SITE DESCRIPTION

The subject site is located at 1 Leicester Road, Chester Hill (known as Chester Square) (see Figure 1) and comprises the following properties:

Property Address	Lot and DP Description	Site Area
1 Leicester Road, Chester Hill	Lot 452 DP800063	1.67ha / 16,714m <sup>2</sup>

The site sits to the north of the main street of Chester Hill, being Waldron Road. This area is dominated by post war low scale single detached dwellings. Although zoned for multiple dwellings, such as apartment buildings, as a Local Centre the current planning rules have resulted in little redevelopment in the locality.

The Chester Square site contains a supermarket set back from the street with a range of supporting retail and parking to the front on Leicester Street. The shopping centre is built to the alignment on three street frontages, being Bent Street, Frost Lane and Priam Street. This creates three frontages in the form of tall, blank, walls, with no activation and no means of pedestrian access into the Centre. All three frontages currently provide a poor pedestrian interface and limit the opportunities for passive surveillance.

Although Frost Lane acts as a service lane to the rear of the retail and commercial offerings along Waldron Road, there is no vehicular access directly to Chester Square from Frost Lane. Vehicular access, to the parking and servicing of the Centre, is currently from either Leicester Street or Bent Street.

**Figure 1** Subject Site



Chester Hill is a compact and highly walkable centre. The main street, Waldron Road, is approximately 600 metres in length, nearly half of which is single-sided (where commercial uses and activation are located on one side of the street). The core of the main street sits between Chester Hill Road and Priam Street. It is a well-proportioned main street in terms of building heights and street widths, however, the public domain is tired which shows in the overall visual amenity of the centre.

The subject site sits within 200 metres of the Chester Hill railway station. With a direct mid-block pedestrian connection through Frost Lane to Waldron Road, this creates a highly accessible development from a pedestrian sense and links the site both functionally and physically to Waldron Road. This mid-block connection however is narrow and has poor visibility. Additional width would improve the connection to the subject site and offer opportunities for further activation from adjoining buildings.

## **PROPOSAL**

Council received an application for a planning proposal for the site at 1 Leicester Street, Chester Hill (Chester Square) in August 2019 and a revised proposal in June 2020. These are outlined in further detail below:

### *Original Planning Proposal (August 2019)*

In August 2019, Council received a planning proposal seeking to amend Bankstown Local Environmental Plan 2015 as follows:

- Amend the 'Height of Buildings Map' to increase the building height from 20 metres to 65 metres
- Amend the 'Floor Space Ratio Map' to increase the floor space ratio from 2.5:1 to 4.53:1.
- Introduce an additional Clause 6.12 to the LEP in relation to the provision of affordable housing as follows:

#### *"6.12 Affordable Housing on Certain Land at Chester Hill*

- (1) *This clause applies to the land identified as 1 Leicester Street, Chester Hill.*
- (2) *The consent authority may, when granting development consent to development on the land, impose a condition requiring 5% of any residential floor area to be dedicated to Council as affordable housing to be managed by a registered community housing provider."*

The planning proposal was supported by the following technical studies:

- Urban Design Report – Turner Architects
- Landscape Concept Package – Turf Design Studio
- Traffic and Parking – Ason Group
- Social Impact and Community Benefits Assessment – Cred Consulting
- Economic Impact Assessment – AEC Urban Economics

The planning proposal would enable the redevelopment of the site to accommodate the following:

- 648 residential units (including 32 affordable housing units)
- 3,500m<sup>2</sup> supermarket
- 1,200m<sup>2</sup> mini major
- 1,000m<sup>2</sup> commercial offices and
- 9,800m<sup>2</sup> of specialty retail
- A total floor area of 75,779m<sup>2</sup>
- Car parking for approximately 690 vehicles for the commercial component and 875 vehicles for the residential component

A public benefit offer accompanied the planning proposal that would deliver the following public benefit offerings:

- A 160m<sup>2</sup> community centre within the development to be constructed (cold shell) and dedicated to Council;
- A financial contribution towards the embellishment and upgrade of Nugent Park North and Nugent Park South;
- 1.5m widening of Frost Lane (to be dedicated to Council) and embellishment of the lane including new pavement treatment, catenary lighting, etc;

- Creation of a circa 2,800m<sup>2</sup> central publicly accessible plaza area (24/7 public access secured on title); and
- Upgrades to local traffic network including intersection signalisation at Waldron Road and Priam Street.

#### *Revised Planning Proposal (June 2020)*

Following a preliminary assessment by Council and discussion with the proponent, a revised planning proposal was submitted in June 2020.

The revised planning proposal includes:

- Amend the 'Height of Buildings Map' to increase the building height from 20 metres to 62 metres
- Amend the 'Floor Space Ratio Map' to increase the floor space ratio from 2.5:1 to 4.53:1
- Introduce an additional Clause 6.11 to the LEP in relation to the provision of affordable housing as follows:

#### *"6.12 Affordable Housing on Certain Land at Chester Hill*

- (1) *This clause applies to the land identified as 1 Leicester Street, Chester Hill.*
- (2) *The consent authority may, when granting development consent to development on the land, impose a condition requiring 5% of any residential floor area to be dedicated to Council as affordable housing to be managed by a registered community housing provider."*

The revised planning proposal was supported by the following additional technical reports:

- Economic Impact Assessment – AEC
- Urban Design Review – Nation Architects

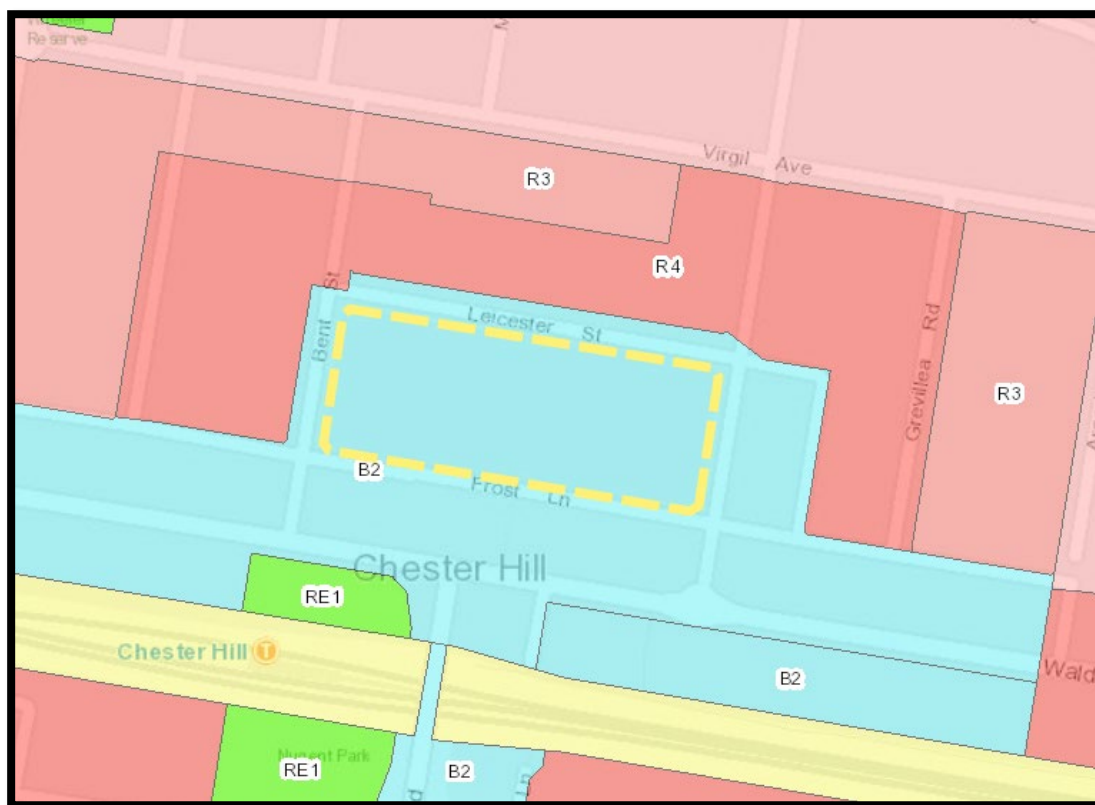
A revised public benefit offer was also received which provided for:

- A circa 2,000 square metre library within the development to be constructed (cold shell) and dedicated to Council;
- Public domain improvements to Waldron Road
- 1.5m widening of Frost Lane (to be dedicated to Council)
- Embellishment of Charles Place
- Creation of a circa 2,800m<sup>2</sup> central publicly accessible plaza area (24/7 public access secured on title);
- Upgrades to local traffic network including intersection signalisation at Waldron Road and Priam Street; and
- Supply of up to 5% of housing stock within the development to be retained by the Proponent and operated by a Service Housing Provider for affordable housing for a period of 10 years.

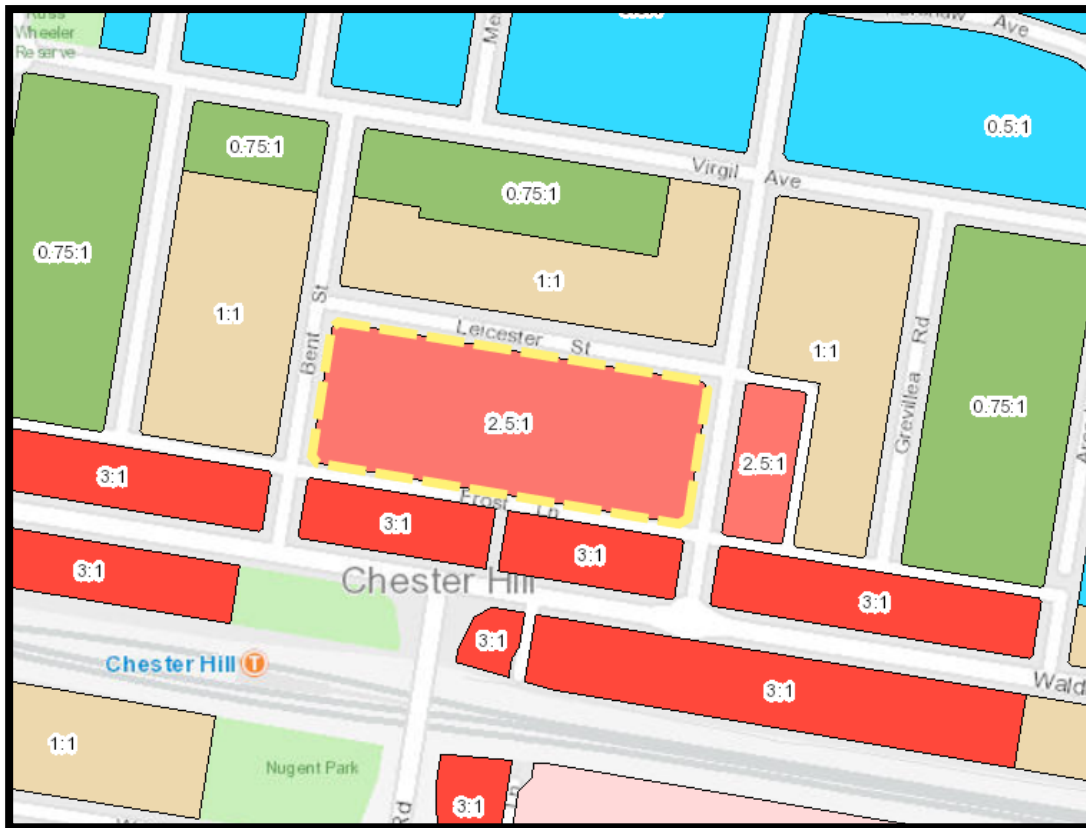
The application as revised seeks to amend the Floor Space Ratio from 2.5:1 to 4.53:1, the Height of Buildings from 20m to 62m, and introduce an affordable housing provision of 5% to facilitate higher density, mixed-use development on the site.

It is estimated that the proposal would yield 633 units with 32 units (or 5%) set aside as affordable rental housing units for up to ten years and retained by the proponent. The proposal would deliver 58,043m<sup>2</sup> of residential floor space and 15,621m<sup>2</sup> of commercial floor space (1,000m<sup>2</sup> of which for office purposes, the balance being retail uses).

**Figure 2** Current Zoning



**Figure 3** Current Floor Space Ratio



**Figure 4** Proposed Floor Space Ratio



The map displays a residential area with the following features:

- Streets:** Virgil Ave, Grevillea Rd, Leicester St, Bent St, Frost Ln, Chester Hill Rd, and a partially visible 'M' street at the top.
- Lot Dimensions (meters):**
  - Yellow lots: 10 m, 10 m, 10 m, 9 m, 10 m.
  - Orange lots: 13 m, 13 m, 13 m, 20 m.
  - Red lots: 26 m, 26 m, 26 m, 26 m, 26 m, 26 m, 26 m.
  - Green lots: 13 m, 26 m.
- Central Lot:** A brown lot measuring 20 m by 20 m, outlined with a yellow dashed border.
- Landmarks:** 'Chester Hill' station (indicated by a train icon) and 'Nugent Park'.

**Legend:**

J	9.0
K	10.0
L	11.0
N1	13.0
N2	14.0
O	16.0
P	17.0
Q1	19.0
Q2	20.0
S	23.0
T1	25.0
T2	26.0
T3	29.0
U1	30.0
U2	32.0
V1	35.0
V2	38.0
W	41.0
X	47.0
Y	53.0
Area 1	
Area 2	

**Map Labels:**

- Streets:** BENT STREET, LEICESTER STREET, FROST LANE, WALDRON STREET, KEEN STREET, ZEPHYRUS LANE.
- Plot Labels:** J, K, L, N1, N2, O, P, Q1, Q2, S, T1, T2, U1, U2, V1, V2, W, X, Y.
- Plot Values:** 9.0, 10.0, 11.0, 13.0, 14.0, 16.0, 17.0, 19.0, 20.0, 23.0, 25.0, 26.0, 29.0, 30.0, 32.0, 35.0, 38.0, 41.0, 47.0, 53.0.

**Figure 7** Artistic Impression from above Leicester Street



**Figure 8** Artistic impression as viewed from the corner of Leicester and Priam Streets



**Figure 9** Artistic impression as viewed from Leicester Street looking south towards Waldron Road



**Figure 10** Perspective of proposed development as observed from Virgil Avenue



**Figure 11** *Perspective view from Chester Hill Road*



**Figure 12** *Perspective view as observed from western along Waldron Road*



## CONSIDERATIONS

Based on the *Environmental Planning & Assessment Act 1979* and the Department of Planning, Industry and Environment's guidelines, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan
- South District Plan
- State Environmental Planning Policies
- Ministerial Directions

- Council's Local Strategic Planning Statement
- Council's North West Local Area Plan
- Department of Planning and Environment's publications: A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals

## ASSESSMENT SUMMARY

The full assessment of the proposal is found in Attachment A. The key matters are detailed below.

### *Built form and character*

The independent urban design peer review commissioned by Council found that overall the arrangement of built forms on the site was a good response to the strengths and constraints of the site. In particular, the peer review supported the podium and tower elements of the proposal, townhouse treatment to the north of the site and concentration of height in the centre of the site as a means to reduce the bulk and scale impacts of the proposed development.

However, the peer review concluded that the proposed maximum building height of 65 metres (19 storeys) and an FSR of 4.53:1 would result in a built form which would be incompatible with the current local context and character of the centre. Accordingly, the peer review recommended that a maximum building height of 43 metres (14 storeys) and an FSR of 3.5:1 be supported by Council subject to surrounding street blocks being raised to achieve a compatible built form.

In response, the applicant lodged a revised planning proposal for a maximum height of 62 metres (18 storeys) and retained the FSR of 4.53:1. After reviewing the reports and meeting with the applicant, Council's peer review found that there was no additional justification within the further work undertaken by the applicant to change their recommendation (Attachment L).

Council's urban design review was limited in its context to an existing built form that has yet to be reviewed, and so considered that should Council wish to proceed with heights and FSR above what was recommended, the following key aspects should occur:

- Precinct review of Chester Hill Town Centre
- Frontage treatment using townhouses / terraces to sleeve the podiums
- One way services and access through the site
- Pedestrian links, including the central open space directly accessible from Leicester Street
- Deep planting along Priam and Bent Streets
- Public realm improvements of Waldron Road
- Charles Place upgrades and widening
- Further articulation of buildings, including separation, length and upper floors, and
- Reduced car parking rates for Waldron Road.

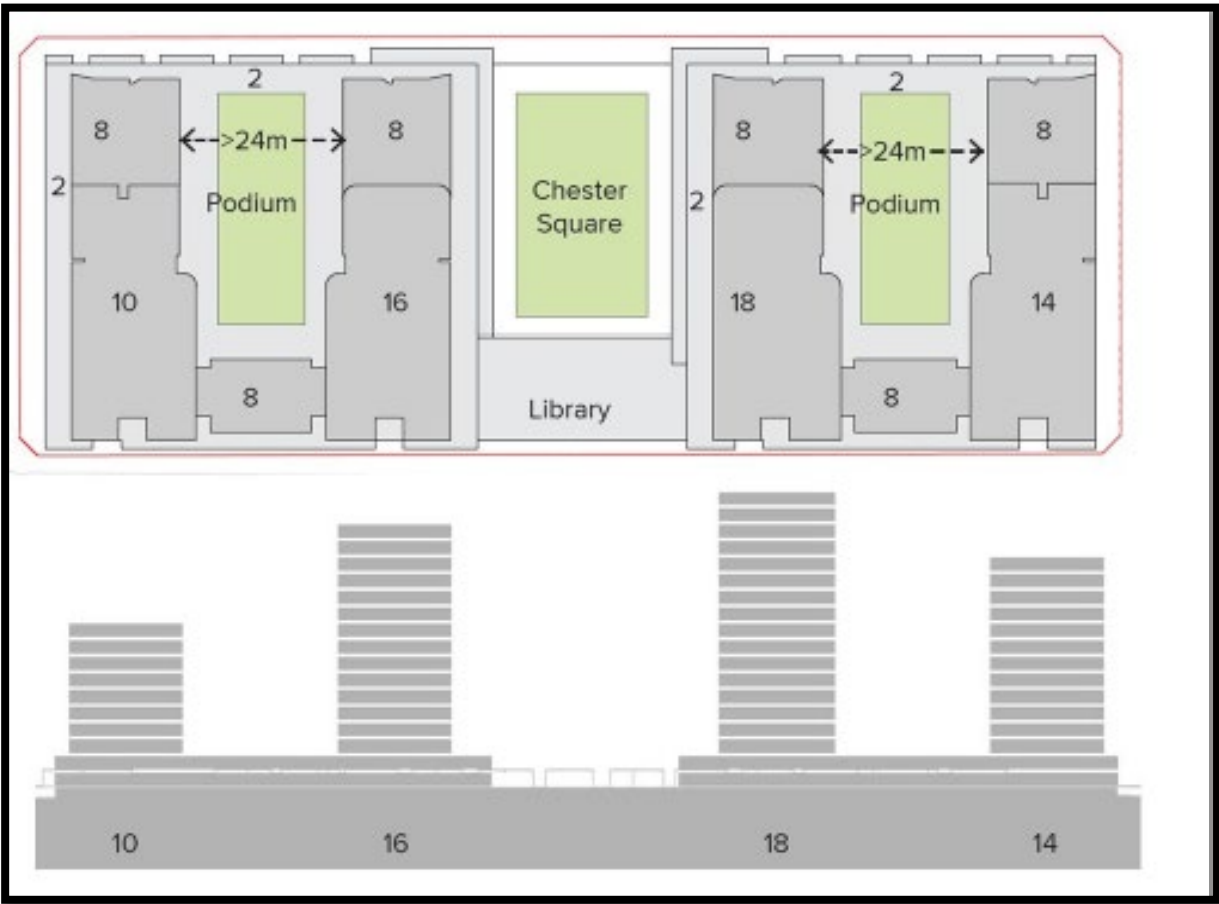
Having considered these studies, and that planning rules have not been tested for around five years, this report recommends that the planning proposal proceed to Gateway and public exhibition in order to understand the views of the community. It is also recommended that the applicant address the issues raised in this report for further consideration by Council. An

important consideration in this recommendation is the potential for this proposal to act as a stimulus for growth and renewal in Chester Hill that can also provide significant public benefits which might not otherwise occur, such as a new library and upgrades to the town centre.

Chester Hill has been identified as a Local Centre in Council’s LSPS, which sits under Bankstown and Campsie in the centres hierarchy. Urban renewal within the area including investment, jobs and housing has not occurred. On balance of the information before Council, the public benefit that could be leveraged from the development, desire for renewal in the area and the subject site being an important parcel of land within the centre, it is recommended that the planning proposal proceed to Gateway. This increased density is subject to a site specific DCP and a design excellence clause being adopted to ensure that the development performs as a positive catalyst in what will be a landmark development.

Controls	Current	Proposed	Recommended for gateway + exhibition
Zone	B2 Local Centre	No change	No change
FSR	2.5:1	4.53:1	4.53:1
Height	20m (6 Storeys)	62m (18 Storeys)	62m (18 Storeys)

**Figure 13** Building height cross sections from planning proposal



## Public domain improvements

To accommodate development of a scale over the existing controls, there is a need to improve the function of the town centre and public domain. In order to accommodate the quantum of density sought, it is proposed that Charles Place is expanded to provide improved pedestrian access to the town centre, bus interchange and train station beyond. This would provide a higher quality public space creating a pedestrian north/south link from Leicester Road to Waldron Road with greater solar access. Frost Lane is a service lane and the potential for the pedestrian vision identified in the submitted scheme is unlikely to be realised or desirable in order to retain retail activity on Waldron Road.

Waldron Road is the community focal point for the locality but is in need of revitalisation. The planning proposal should be contributing to the improvement of the public realm along Waldron Road including footpath widenings, street tree planting and a range of other improvements. A detailed streetscape concept should be prepared for the main street which looks at the experience of the place, pedestrian connections, on street parking, events and activation, landscape (hard and soft), lighting, street furniture, play opportunities, Wifi, directional signage etc.

A public domain concept (See Figure 14) has been recommended by the independent urban designer commissioned by Council, which includes public realm works to upgrade Waldron Road and encourage foot traffic from the train station into the subject site via Waldron Road. This would retain foot traffic on Waldron Road in order to retain commercial activity on the main street of Chester Hill.

**Figure 14** Public Domain Concept (Place Design Group)



The concept above includes the current Post Office site which has been discussed earlier in this report and may be considered for acquisition as part of a broader public benefits package to enable the expansion of Charles Place. The Post Office site is considered optimal in that it comprises three titles and is generally central to the proposed public square and Chester Hill Road. This would usually be funded through a planning agreement however, at this point in time the proponent has not resolved this aspect. The report recommends further negotiations with the applicant regarding the proposed public benefits, including this issue.

## Traffic

The planning proposal was supported by a Traffic Impact Assessment which found that the addition of the proposal traffic does not adversely affect intersections within the study area, other than Waldron Road / Priam Street and Chester Hill Road / Waldron Road which are already at capacity or failing.

The report subsequently recommended that the existing roundabout at Waldron Road / Priam Street be signalised which would significantly improve the operation of the intersection to an acceptable Level of Service C. These signals should then be coordinated with the signalised intersection of Chester Hill Road / Waldron Road to facilitate optimised traffic flow.

Council commissioned an independent traffic peer review which found that the modelled mitigation measures for the Priam Street/ Waldron Road do not align with Transport for NSW requirements for signalised intersections.

In addition, there were concerns raised including:

- SIDRA modelling for existing conditions does not seem to reflect site observations and therefore the future conditions modelling is unlikely to be calibrated either.
- The anticipated distribution of traffic does not seem to align with surveyed traffic volumes at the surrounding key intersections.
- Some traffic volumes for critical movements at intersections decrease in the “2021 with development” scenario when compared to existing conditions (e.g. turns between Waldron Road and Chester Hill Road. The Chester Square TIA should be reviewed to ensure “2021 without development” traffic volumes through the surrounding key intersections are correct.
- Traffic generation estimates for the site do not seem to consider the existing staff car park accessed off Priam Street, which accounts for around nine per cent of the existing car parking supply for the site.
- The indicative location and quantum of site accesses and supporting traffic modelling does not seem to provide an appropriate level of detail to adequately assess the traffic impact of the planning proposal.

The independent traffic consultants commissioned by Council supported the recommendation for the widening of the pedestrianised area between Frost Lane and Waldron Road through property acquisition of the Australia Post site (see Figure 14), as this would improve pedestrian amenity and reinforce a strong desire line between the railway station and the Chester Square Shopping Centre.

However, the report highlighted that Waldron Road was classified as a *regional road* and therefore any closing carriage ways or shared pedestrian zones would not support its intended function as a key collector road. This would likely have significant impacts to travel times for vehicles travelling through Chester Hill, as well as negatively impact operation of lower order local intersections which have not been designed to accommodate high traffic volumes.

Further detailed analysis of this option would be required which would likely include a microsimulation traffic model of the town centre and origin-destination analysis to understand the likely diversion routes of traffic to surrounding roads.

### *Viability and impact on Waldron Road*

The independent feasibility analysis commissioned by Council found that the proposed development is not feasible unless the cost of the building is reduced (quality) and the proponent takes a lower profit margin. The reason for this is that the Chester Hill submarket does not generate high enough sales prices (gross realisation) to support the higher costs of development at these heights (construction costs). The current planning controls (unchanged) are however feasible. The applicant has responded to this by saying that the assumptions they are working from are different to those used by Council's consultant, in particular the developer will be able to construct the building at a lower cost than Council's peer review assumes. While this matter has not been resolved, this report recommends a design excellence clause be applied to ensure a high quality design and built form outcome for this important site to ensure it acts as a catalyst for renewal in Chester Hill.

The independent feasibility analysis commissioned by Council found that the proposal may have an adverse impact on retailers on Waldron Road, in particular in the food retailer sector. The report recommended controls on the retail mix to maintain and improve the performance of Waldron Road as foreshadowed in the adopted North West Local Area Plan. This option will be considered by Council in preparing the LEP amendment and/or DCP, although it is noted that this is not a critical component at this point as Waldron Road comprises a broad range of commercial / retail offering to that in the current shopping centre and likely future shopping centre.

On this basis, public domain works on Waldron Road to support a positive public realm experience from the current main street is needed, as recommended in this report and it is recommended that Council undertake broader planning to fully realise this issue.

### **Conclusion**

The external economic and urban design advice commissioned by Council found that the planning proposal will result in development that is inconsistent with the current context and character and that the development. However, this is largely due to the assessment considering the current built form context, which is outdated and likely to change once the planning controls for the broader centre are reviewed. This also has to be considered in the context of the minimal renewal that has occurred in the centre over recent years, and the opportunity for the renewal of the site to act as a catalyst for the centre and bring with it investment, housing, jobs, new services and facilities and public domain improvements consistent with Council's vision under the Local Strategic Planning Statement.

In weighing these matters, this report recommends that the planning proposal proceed as a stimulus for growth and renewal in Chester Hill and a source of significant public benefits which might not otherwise occur, such as a new library and upgrades to the town centre. Notwithstanding, comments from the community and businesses will be an important consideration for Council in determining whether to make the plan, as will the responses from the applicant regarding issues raised in this report.

The planning proposal is recommended to proceed to Gateway and public consultation. It is important that before the proposal is finalised, further negotiations occur regarding the public benefits package being offered to Council, and a site specific design excellence clause be applied. This is important if the proposed development is to act as a catalyst for further growth

and investment in Chester Hill. Furthermore, if Council decides to proceed with the plan, a broader review of planning controls in the centre should be undertaken.

### **Next Steps**

Should Council decide to support the planning proposal progressing to Gateway, the next steps would be to seek a Gateway Determination from the Department of Planning, Industry and Environment. Should the proposal be allowed to proceed, the negotiations with the applicant on the planning agreement to deliver public benefits would continue.

A thorough consideration of public feedback and the applicant's responses to issues raised in this report would occur following the exhibition of the planning proposal. Upon considering this, Council will be able to decide to proceed, not proceed, or make changes to the planning proposal as it sees fit.

## ATTACHMENT A – ASSESSMENT FINDINGS

Attachment A outlines the assessment findings and is based on the justification of matters as set out by Environmental Planning and Assessment Act 1979 and the Department of Planning, Industry and Environment's guidelines. The following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan
- South District Plan
- State Environmental Planning Policies
- Ministerial Directions
- Council's Local Strategic Planning Statement
- Council's North West Local Area Plan
- Department of Planning and Environment's publications: A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals

### SUMMARY OF TECHNICAL INVESTIGATIONS

The planning proposal (**Attachment B**) included the following supporting technical investigations:

- Urban Design Report – Turner Architects (**Attachment C**)
- Urban Design Addendum – Nation Architects (**Attachment D**)
- Traffic and Parking Assessment – Ason Group (**Attachment E**)
- Traffic and Parking Assessment Addendum – (**Attachment F**)
- Economic Impact Assessment – AEC (**Attachment G**)
- Economic Impact Addendum – Atlas Urban Economics (**Attachment H**)
- Social Impact Assessment and Community Benefits Assessment – Cred Consulting (**Attachment I**)
- Landscape Concept Design – Turf Design Studio (**Attachment J**)

Council subsequently engaged relevant specialists to undertake independent reviews of number of these studies to assess their adequacy and make recommendations on any further investigations required. These include:

- Urban Design Peer Review – Place Design Group (**Attachment K**)
- Urban Design Peer Review of Revised Concept – Place Design Group (**Attachment L**)
- Economic Impact Peer Review – SGS Economic and Planning (**Attachment M**)
- Traffic and Transport Peer Review – GTA Consultants (**Attachment N**)
- Social Infrastructure Needs Peer Review – Ethos Urban (**Attachment O**)

The findings of these reports are summarised as follows:

### **Urban Design**

The findings of the peer review report prepared by Place Design Group generally found the following:

- The proposal is generally consistent with the adopted strategic planning intent contained in the North West Local Area Plan and Local Strategic Planning Statement.
- The proposed scale, bulk and height are inconsistent with the existing character and controls for the area of Chester Hill.
- Pedestrian access through the site to Waldron Road and the train station needs to be improved for a development of this scale. If supported, options to expand the walkway width of Charles Place should be considered.
- The current local centre is dominated by and prioritises car movements over pedestrians and cyclists. If supported, consideration should be given to limiting private vehicle access to the eastern end of the Chester Hill Centre while still allowing buses along the full length via and at grade plaza space with bus shelters. A scramble crossing would then assist rebalancing pedestrian access through the centre.
- Other public domain and amenity improvements should be considered such as a 'grass plane,' consisting of paving, landscaping, seating, and shade trees should be explored along Waldron to reinforce its role as the primary retail precinct.
- Recommended that maximum building height of 14 storeys and an FSR of 3.5:1 be adopted for the site subject to an improved public benefit offer being made to support better connectivity and integration with the Waldron Road main street.

### **Traffic and Transport**

The findings of the peer review report prepared by GTA Consultants generally found the following:

- The indicative location and quantum of site accesses and supporting traffic modelling does not seem to provide an appropriate level of detail to adequately assess the traffic impact of the Planning Proposal.
- The SIDRA Model submitted needs to be recalibrated against current operating conditions.
- Traffic generation estimates for the site should be updated to consider the existing staff car park accessed off Priam Street, considering this accounts for around nine per cent of the existing car parking supply for the site.
- It is recommended that the anticipated distribution of traffic be updated to reflect the existing distribution of traffic at the key surveyed intersections.
- It is unclear how "2021 without development" traffic volumes were calculated, as it seems that some turning movements at key intersections reduce when compared with existing turning movements despite STFM data indicating increased traffic growth.

- Clarification should be provided as to the reason behind using 2026 STFM growth rates for calculating 2021 future traffic volumes.
- Modelled mitigation measures for the Priam Street/ Waldron Road do not align with Transport for NSW requirements for signalised intersections.
- The proposal, based on the Bankstown DCP 2015, will generate the need for between 1,300 and 1,400 car parking spaces. There is potential to decrease parking requirements through implementation of sustainable travel initiatives and shared use of car parking spaces between uses.
- Preliminary SIDRA modelling indicates that with upgrading of the Priam Street/ Waldron Road intersection and lengthening of turning bays, the additional traffic generated could potentially be accommodated on the surrounding network, subject to clarification of the above concerns and recommendations.

Council presented to the Traffic Consultant a notional concept for public domain improvements and road works to accommodate the development. This included better pedestrian access and footpath widening and carriageway narrowing. The report considered this and recommended as follows:

- The concept does not align with the intended function of Waldron Road and further detailed analysis such as microsimulation traffic modelling would likely be required to support such a proposal. It is recommended the location of the access points be further refined to better understand the likely traffic distribution of traffic around the site.

Further traffic work to address the areas identified can be addressed post Gateway.

### **Urban Economics**

The findings of the peer review report prepared by SGS Economics and Planning generally found the following:

- The proposed redevelopment includes more retail floor space than future retail demand is likely to create and so it is likely to impact on retail turnover in other centres.
- Some expansion of the Chester Hill centre is likely to be possible without impacting on the viability of retailing on Waldron Road given that these retail premises are relatively specialised retail premises, and so serve a different market segment than would likely be served by businesses located in an expanded Chester Square Shopping Centre.
- There is likely to be demand for the commercial floor space proposed as population growth is forecast in the surrounding area and the vacancy rate of the Chester Hill Centre is currently low.
- Proposed supermarket floor space expansion is least likely to impact on turnover along Waldron Road.

- There is a concentration of hospitality retail floor space along Waldron Road, making this an important part of the centre's function and continued viability. Competition from the proposed redevelopment could impact of hospitality retail, including both restaurants and take away food and drink premises, along Waldron Road.
- Given potential competition between the expanded shopping centre and Waldron Street, a limit to the amount of hospitality retail floor space provided could be considered to ensure that the role of Waldron Road is not adversely impacted.
- The report tested the feasibility of the proposed controls and assessed this against the current planning controls and the alternative height and FSR proposed by Council's independent urban designer. This analysis found that the current controls were viable, while the proposed planning controls were not viable unless both the construction costs were significantly reduced, and a developer was prepared to accept a reduced profit margin. The alternatively height and FSR proposed by Council's independent urban designers was found to be only marginally viable also.
- A review of the addendum report conceded some changes to the assumptions and resultant viability as the proponent's economist had access to real costs. However, the position remained that the proposal was marginally viable.

While the independent economic analysis commissioned by Council finds no need to alter the existing planning controls at this time from a viability perspective, the feasibility of a project is a matter for the developer. The planning proposal represents a stimulus for growth and renewal in Chester Hill and a source of public benefits which might not otherwise occur, such as a new library and upgrades to the town centre.

### **Social Infrastructure**

The findings of the peer review report prepared by Ethos Urban generally found the following:

- There are some issues with the underlying assumptions of the report submitted with the planning proposal as they relate to forecast population growth and change generated by the development. The methodology used to forecast population change associated with the development may have projected higher levels of population growth than are likely.
- The Report submitted in support of the planning proposal applied numeric benchmarks to identify social infrastructure "gaps" arising from the proposed development. The numerical benchmarks, while arising from a rigorous process, lacks consideration of the broader strategic context and directions set out in Council's adopted strategic planning frameworks. This should be reviewed and incorporated.
- Some of the community benefits proposed in the report (i.e. the 160sqm cold shell community centre within the development) do not align with Council's approach to social infrastructure provision, nor to best practice principles for social infrastructure provision. Other community benefits (i.e. financial contribution towards embellishment of Nugent Park) are appropriate and will contribute towards meeting community needs in the area.

- The existing proposed community benefits are considered inadequate, and the following alternative community benefits are proposed:
  - Financial contribution towards upgrade of Nugent Park North and Nugent Park South.
  - Financial contribution towards upgrade and/or expansion of existing community facilities within 400m walking distance of the site, including:
    - Bill Lovelee Youth Centre
    - Chester Hill Library and Knowledge Centre
    - Chester Hill Community Centre
  - The detailed upgrades for these facilities will be subject to stakeholder and community engagement to determine community priorities.

The public benefits offered have been revised with consideration of the above, as set out in the executive summary report.

## ASSESSMENT FINDINGS

The assessment findings are based on the matters set out by the Department of Planning, Industry and Environment.

### 1. Strategic Merit Test

Section 1 assesses the proposal based on the Department of Planning & Environment's Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*. The intended outcome is to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway. A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.

#### 1.1 Does the proposal give effect the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?

##### 1.1.1 Greater Sydney Region Plan (*A Metropolis of Three Cities*)

Proponent's Submission:	Consistent
Objective 4: Infrastructure use is optimised	Yes.  The subject site is located within close proximity to Chester Hill Railway Station and the bus interchange on Waldron Road.
Objective 5: Benefits of growth realised by collaboration of governments, community and business	Not applicable.  This objective deals with more formalised collaboration between different levels of government. This planning proposal is developer-led.

<b>Proponent's Submission:</b>	<b>Consistent</b>
Objective 6: Services and infrastructure meet communities' changing needs.	Yes.  There is a need to deliver social infrastructure that reflects the needs of the community now and in the future. The planning proposal includes a public benefit offer to provide additional infrastructure including a new 2,000m <sup>2</sup> library.
Objective 7: Communities are healthy, resilient and socially connected	Yes.  The planning proposal will increase density by providing up to 633 additional dwellings in close proximity to public transport, retail and local community services.
Objective 10: Greater housing supply	Yes.  The housing target for Chester Hill to 2031 as established in council's adopted North West Local Area Plan is 725 additional dwellings.  The planning proposal would provide 633 additional dwellings, a large portion of this target.
Objective 11: Housing is more diverse and affordable	Yes.  Although the GSRP sets a target of between 5-10% of new residential floor space for affordable rental housing for very low and low-income households "noting that these parameters will be tailored to each nominated area" it is considered that the offer is acceptable having regard to the viability of the development.
Objective 12: Great places that bring people together.	Not addressed by applicant. Assessment discussion further below.
Objective 14: A Metropolis of Three Cities - integrated land use and transport creates walkable and 30 minute cities	Yes.  The subject site is located within close proximity to Chester Hill Railway Station and the bus interchange on Waldron Road.
Objective 22: Investment and business activity in centres	Yes.  Additional commercial and retail floor space will be provided as a result of this planning proposal.
Objective 24: Economic sectors are targeted for success	Not applicable. This objective deals more with regulatory barriers for industry, tourism and agricultural sectors attraction.

Proponent's Submission:	Consistent
Objective 30: Urban tree canopy cover is increased	<p>Not applicable.</p> <p>This objective is concerned with increasing the urban tree canopy.</p>
Objective 33: A low-carbon city contributions to net-zero emissions by 2050 and mitigates climate change	<p>Not applicable.</p> <p>This objective deals with achieving net-zero emissions by 2050. The planning proposal claims this is achieved by reducing reliance on vehicle use. There is no further consideration given to the emissions generated by the additional floor space or any offsets required.</p>
Objective 34: Energy and water flows are captured, used and re-used	<p>Not applicable.</p> <p>This objective deals with exploring precinct-based initiatives to increase renewable energy generation, energy and water efficiency over and above BASIX. The planning proposal only suggests compliance with BASIX will be achieved.</p>
Objective 36: People and places adapt to climate change and future shocks and stresses	<p>Not applicable.</p> <p>This objective deals with supporting initiatives that respond to the impacts of climate change.</p>
Objective 37: Exposure to natural and urban hazards is reduced	<p>Not applicable.</p> <p>This objective deals with avoiding new development in areas exposed to natural and urban hazards. The site is an infill site not considered to contain hazards that need to be managed.</p>
Objective 38: Heatwaves and extreme heat are managed	<p>Not applicable.</p> <p>This objective deals with mitigating the heat island effect. The material submitted does not demonstrate how this is achieved at this stage.</p>
<p><b>Council's Assessment:</b></p> <p>Although the planning proposal does not specifically address <i>Objective 6 Services and infrastructure meet communities' changing needs</i>, there is a need to deliver social infrastructure that reflects the needs of the community now and in the future. The planning proposal includes a public benefit offer to provide additional infrastructure including a new 2,000m<sup>2</sup> library which is consistent with this objective.</p> <p>Although the proposal does not specifically address <i>Objective 12: Great places that bring people together</i>. Similar to Objective 6, the proposal includes provision for a public square, library and laneway dedication integrated with retail and housing and is consistent with this objective.</p>	

Proponent's Submission:	Consistent
<p>These include:</p> <ul style="list-style-type: none"> <li>- A public plaza for gatherings,</li> <li>- Social infrastructure such as the library,</li> <li>- Public domain upgrades to Waldron Road and Charles Place to improve the tired appearance from the train station,</li> <li>- Public domain upgrades to draw the community from the station, along Waldron Road and to the library and subject site,</li> <li>- Social infrastructure and local services at the heart of Chester Square</li> <li>- Excellence exhibited through design (needed in order to support this scale of development in this context).</li> <li>- Excellent design will also require sensitive podium design and pedestrian through links that break the longer building elements. This will allow pedestrians to respond to the podiums for an appropriate human scale, as opposed to the towers.</li> </ul> <p>Careful and sensitive design is required for this scale of development. In addition to the site specific design excellence clause recommended, a site specific DCP that responds the various urban design reports considered, as well as the design principles within <i>Better Placed</i> by the NSW Government Architect.</p> <p>As there has been minimal renewal in the centre and a lack of take up of the existing development controls, the proposal represents an opportunity for the renewal of the subject site to act as a catalyst for the centre.</p>	

### 1.1.2 South District Plan

Proponent's Submission:	Consistent
<p><u>Liveability</u></p> <p>Yes.</p> <p>The Planning Proposal is consistent with the stated priorities as it is specifically aimed at improving housing diversity and renewal of a particularly large land holding within the local area.</p> <p>The planning proposal is also intended to be accompanied by a voluntary planning agreement to increase liveability within Chester Hill.</p> <p>The Proposal will facilitate the delivery of a substantial quantum of residential accommodation and employment floor space on a site that is highly suitable for development uplift given its favourable location within the Chester Hill local centre and also having regard to the size of the site and its ability to achieve transformational change for Chester Hill.</p>	<p>Yes, see further discussion below.</p>

Proponent's Submission:	Consistent
<p>The proposal will allow for a transit-oriented development that will assist in achieving housing diversity and affordability on a site that is well located to services and facilities.</p> <p>The proposal will improve the viability and liveability of the Chester Hill local centre through the expanded commercial floor space within the centre and substantial public domain upgrades consistent with the liveability priorities.</p>	
<p><b><u>Productivity</u></b></p> <p>Yes.</p> <p>Whilst Chester Hill is not identified as a 'strategic centre' it is nonetheless identified as a 'local centre' and is a thriving commercial centre with a high level of amenity and has the capacity to become an important and larger local centre which can accommodate increased employment and housing, particularly given its immediate proximity to Chester Hill train station.</p> <p>Chester Hill therefore has an opportunity for increasing local jobs, enhancing the public domain and providing housing in an appropriate location.</p> <p>The proposed increase of both housing accommodation and employment floor space within walking distance of Chester Hill Station is consistent with the District Plan's emphasis on improving access to jobs on the basis that from an economic perspective, having access to a larger number of jobs means greater potential for job and skill matching, enhanced opportunities for skill and knowledge development and ultimately better outcomes for households and the overall economy.</p>	<p>Yes. The expansion of Chester Hill will create jobs and housing in a local centre. The economic reviews demonstrate that the proposed increases in additional retail and commercial floor space should not hinder the creation of jobs in identified strategic centres, being Bankstown and Campsie.</p>
<p><b><u>Sustainability</u></b></p> <p>Yes.</p> <p>The planning proposal is consistent with sustainability priorities as it will facilitate future development on the site that will ensure the protection of the environment.</p> <p>By providing additional housing and employment floor space in an existing centre,</p>	<p>Yes. The planning proposal maintains that the sustainability priorities will be achieved as it will ensure development of a site that will protect the environment by reducing the need for housing on the urban fringes of Sydney. Likewise, the planning proposal states that the future development will comply with BASIX.</p> <p>Outside of BASIX compliance in the DA stage, increased sustainability measures can be achieved through the site specific DCP.</p>

Proponent's Submission:	Consistent
<p>the proposal maximises the efficiency of existing infrastructure and reduces pressure on the fringe of Sydney and other sensitive locations.</p> <p>Any future building on the site would be required to be consistent with the principles of ecological sustainable design and a BASIX certificate would need to accompany any future development application.</p> <p>The planning proposal would not result in any adverse impacts on bushland or any waterways and is unlikely to impact on any other aspects of the South District's environment that the District Plan seeks to protect.</p>	
<p><b><u>Liveability</u></b></p> <ul style="list-style-type: none"> <li>• <b>Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage</b></li> </ul> <p>The scale of the proposed development has the potential to impact the street level and diminish the human scale of the locality if not carefully designed. The elements of renewing centres into great places include affordability, services, social infrastructure, public places, open spaces and walkable centres. Subject to the provision of the following elements, the proposal would be consistent with Priority S6:</p> <ul style="list-style-type: none"> <li>- Affordable housing</li> <li>- Library / multi purpose facility (cold shell)</li> <li>- Public plaza</li> <li>- Public domain upgrades on Waldron Road, Charles Place and Frost Lane</li> <li>- Renewal of a centre</li> <li>- Pedestrian links through the site</li> <li>- Access to housing and jobs in walking distance to a train station</li> <li>- Design excellence clause</li> </ul> <p>In order to support a proposal of this scale, design excellence is required. The scale of the proposed development may dominate the street level and diminish the human scale of the locality. The connection and activation of the proposed public square with the Chester Hill local centre, railway station and bus interchange are currently inadequate due to the narrow accessway of Charles Place. However, the proponent has proposed embellishment works and Council has identified that Charles Place should be widened in due course.</p> <p>While the public square and incorporation with a library will create a great local place within the site boundary, it is important that the place is well integrated with Chester Hill more broadly and shares the public benefit with Waldron Road. Subsequent public domain plan preparation and a site specific DCP, including expansion of Charles Place and negotiation of a public benefit offer will achieve this.</p>	

## 1.2 Is the proposal consistent with a relevant local strategy that has been endorsed by the Department? –

### 1.2.1 Local Strategic Planning Statement (*Connective City 2036*)

	Consistent
<p><b>Proponent's Submission:</b></p> <p>Not addressed as the draft LSPS was not released for public comment at the time the planning proposal was lodged.</p>	Yes.
<p><b>Council's Assessment:</b></p> <p>The LSPS identifies Chester Hill as one of 88 centres across the LGA. The draft LSPS establishes a hierarchy of centres, Chester Hill being designated a 'Local Centre' which is a 3<sup>rd</sup> order centre in a hierarchy of 6 from City Centre down to Neighbourhood Centre. The 'Local Centre' categorisation in does not set parameters for height or density.</p> <p>The LSPS sets a housing target of 50,000 more dwellings accommodating 80% of increased housing supply in centres along the Sydenham to Bankstown Metro line and sustainable growth in local village and small village centres.</p> <p>The LSPS endorses the adopted North West LAP as a 'detailed action plan' which planned to growth Chester Hill sustainably and was subsequently implemented through and amendment to the Bankstown LEP by increasing the building height for the subject site to 20 metres and increasing the FSR to 2.5:1.</p> <p>The planning proposal is consistent with the primary objectives of the LSPS including location of high density housing near stations, evolution of larger centres into vibrant urban places (such as Chester Hill), provision of commercial and street-fronting retail space, local jobs and civic places.</p> <p>There has been minimal renewal in the centre despite the uplift facilitated through the NWLAP. The proposal is from one of the largest landholdings in the centre and represents an opportunity for the subject site to act as a catalyst; through the delivery of public benefits, social infrastructure, housing and local employment on a train line.</p>	

### 1.2.2 North West Local Area Plan

	Consistent
<p><b>Proponent's Submission:</b></p> <p>The proponent's submission states that "the Plan focused on additional density and height along Waldron Road rather than on the subject site and at the time of the strategic planning work undertaken to inform the Plan, the subject site was not considered for its full potential to achieve transformational change for Chester Hill and a true place-making outcome for the centre".</p> <p>Further the planning proposal states that in the years since the LEP amendments implemented the Plan in 2016, the lack of development was evidence that the fragmented ownership had limited development activity.</p>	<p>No, however is consistent with the other aims and objectives of the LSPS, such as revitalising local centres including Chester Hill.</p> <p>The NWLAP is now approaching 5 years since its</p>

Notwithstanding, the planning proposal is consistent other objectives of the Plan such as providing more housing close to public transport, open space and connectivity.

implementation, and it is appropriate to revisit the planning controls and seek resident and business views of the area through this planning proposal.

#### **Council's Assessment:**

The NSW LAP considered the subject site and its potential to contribute to the revitalisation of the local centre finding that:

*"There is the potential for the built form to strengthen the retail core on the north side of the railway line with increased densities and building heights along Waldron Road (a major public transport corridor) and in the transitional areas surrounding the Chester Square shopping centre".*

This outcome was informed by an urban design study that identified the need to:

*"...promote and expand the retail vitality of the shopping centre and the main street retail strip along Waldron Road".*

The NWLAP was finalised through a LEP amendment gazetted on 22 January 2016, which raised building heights for the subject site to 20 metres and surrounding lands on Bent, Leicester and Priam Streets to 13 metres. The areas fronting Waldron Road were raised to 26 metres to reinforce the role of Waldron Road to implement the adopted strategy. The desired built form seeks to transition the greatest building height and density from Waldron Road in the suburban surrounds to ensure development was appropriate.

However, these planning controls have not been physically realised through redevelopment since their implementation in the last 5 years. The recent comprehensive LEP did not revisit these controls at Chester Hill and were focussed on centres where Council's local area plans had not yet been implemented. Despite development consent granted to a few larger development applications, minimal renewal of the centre has occurred to realise the NWLAP.

The scale of the development, coupled with design excellence and public benefits, are an opportunity to revisit the direction of Chester Hill to facilitate urban renewal in proximity to a train station. This is reinforced in Council's newly adopted employment and housing strategies.

The proposal represents an opportunity for conversations with the community about a new consideration for the centre and evolution into a vibrant urban place.

- **Action C3: Transform Waldron Road into the Main Street for the Chester Hill Village Centre and the North West Local Area**

As discussed above, the significant increase in the building height for the subject site to 62 metres represents a departure from the adopted strategic direction for Chester Hill which implemented a maximum building height of 20 metres. The strategic direction established in the LAP is for those lots fronting Waldron Road at 26 metres in height to reinforce Waldron Road and the main street retail strip.

Waldron Road has had limited urban renewal, likely due to its fragmented land ownership, small lot sizes and basement car parking costs. The Waldron Road commercial strip also has limited vacancy rates, potentially making redevelopment unattractive for land owners.

The proposal has recognised the potential impact on Waldron Road, and has proposed public domain works on Waldron Road in order to maintain economic vitality as a main street, that could compliment the different offerings within the subject site as detailed in the economic reports.

- **Action L8: Make Key Facilities More Sustainable for Community Services**

This action aims to provide high quality facilities and services at focal points that will serve the long term needs of the community consistent with the Bankstown Community Plan. This includes the Chester Hill community hub on the south side of the railway line which comprises the multi-purpose community centre and the library and meeting spaces and the Bill Lovelee Youth Centre at Abbott Park. This strategy seeks to avoid the legacy of poorly located community facilities which are inadequate and limited in their capacity to support future community needs.

The Public Benefit offer accompanying the planning proposal includes dedication to Council a 2,000m<sup>2</sup> 'cold shell' library within the development. The library would be well located within the northern centre of Chester Hill.

Whilst a change of direction from the 2016 adopted strategic direction for Chester Hill and located away from civic facilities on the southern side of the railway line; the library in this location would be centrally located near the train line, high density development and a public plaza.

### 1.3 Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

	Consistent
<p><b>Proponent's Submission:</b></p> <p>No comment.</p> <p><b>Council's Assessment:</b></p> <p>There have been no new infrastructure investments or changes in demographic trends locally that warrant a review of the planning controls as established by the detailed studies that support the LAP. Notwithstanding the above, as there has been minimal renewal in the centre, the proposal does represent an opportunity for the renewal of the subject site to act as a catalyst for the centre.</p>	<p>No.</p>

**1.4 Does the proposal have regard to the natural environment (including known significant environmental values, resources or hazards)?**

	Consistent
<p><b>Proponent's Submission:</b></p> <p>The proponent's submission addresses statutory matters relating to Hazard and Risk include Ministerial Direction's relating to acid sulphate soils, mine subsidence, flooding and bush fire protection.</p> <p>The submission found that these matters are not applicable to the subject site.</p> <p><b>Council's Assessment:</b></p> <p>Agreed.</p>	Yes.

**1.5 Does the proposal have regard to the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?**

	Consistent
<p><b>Proponent's Submission:</b></p> <p>The proponent's submission acknowledges that the site links the commercial/mixed use centre of Chester Hill and surrounding low-density dwellings.</p> <p>The submission highlights that the site currently offers little activation to 3 of the 4 street frontages and that redevelopment presents the opportunity to rectify this.</p> <p><b>Council's Assessment:</b></p> <p>The planning proposal distinguishes itself from the existing local character. The proposal rather seeks to promote the proposal acting as a 'place' marker of the Chester Hill precinct. Through design excellence and public benefits, the proposal is anticipated to provide flow on economic, housing and social benefits to surrounding land uses and potentially increase development activity.</p>	Yes.

**1.6 Does the proposal have regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?**

	Consistent
<p><b>Proponent's Submission:</b></p> <p>The proponent's submission states that:</p> <ul style="list-style-type: none"> <li>• Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.</li> <li>• The site is well served by public transport infrastructure in that the site is within walking distance of the Chester Hill Station and numerous bus services.</li> </ul> <p>Notwithstanding, a public benefit offer accompanies the planning proposal which includes:</p> <ul style="list-style-type: none"> <li>• A 2,000 square metre library within the development to be constructed (cold shell) and dedicated to Council;</li> <li>• 1.5m widening of Frost Lane (to be dedicated to Council)</li> <li>• Creation of a circa 2,800 square metre central publicly accessible plaza area (24/7 public access secured on title);</li> <li>• Embellishment of Charles Place;</li> <li>• Public domain works along Waldron Road;</li> <li>• Upgrades to local traffic network including intersection signalisation at Waldron Road and Priam Street; and</li> <li>• Provision of 5% affordable housing.</li> </ul> <p><b>Council's Assessment:</b></p> <p>Council concurs that the site is very well located in terms of access to rail and bus transit services.</p> <p>Notwithstanding, Council is concerned about vehicular and pedestrian movement in and around the centre and have engaged independent consultants to review the infrastructure needs in relation to traffic and transport and social and community infrastructure.</p> <p>These peer reviews have identified public domain improvements including the expansion of Charles Place to enable a development of this scale to properly integrate with the Waldron Road main street retail and the railway station / bus interchange.</p> <p>The proponent made a public benefit offer which includes public domain upgrades along Waldron Road, Charles Place and Frost Lane.</p> <p>A broader strategic review involving community consultation and a more detailed investigation of the necessary infrastructure requirements to support development of this scale in Chester Hill will need to be undertaken in future. Council will negotiate potential contributions to the costs associated with these studies given that the scale of the proposal necessitates bringing this strategic review forward out of sequence.</p>	<p>Yes.</p>

## 2. Planning Proposals–Justification Matters

Section 2 assesses the proposal based on the justification matters as outlined in the Department of Planning & Environment’s publication *A Guide to Preparing Planning Proposals*. The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway.

### 2.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

	Consistent
<p><b>Proponent’s Submission:</b></p> <p>The planning proposal is not the result of a Council initiated strategic study or report. However, the site is of such a large size and magnitude that it is strategically significant within the context of Chester Hill and also the broader local government area, such that consideration of a Planning Proposal for the site in the absence of a strategic study is warranted.</p> <p><b>Council’s Assessment:</b></p> <p>Council agrees that the planning proposal is not the result of any strategic study or report. The recently adopted LSPS prioritises the investigation of Bankstown and Campsie for additional housing, followed thereafter by nine other centres including Chester Hill (subject to master plans, structure planning, community consultation, and environmental and urban design studies).</p> <p>Whilst out of sequence, Chester Hill has been identified for renewal based on its centres hierarchy and location on a train line. The subject site is a key landholding and has the ability to delivery social and public benefits for this centre. Based on the subject site’s size and location, as well as public benefits proposed, the proposal is consistent with the recently endorsed LSPS.</p>	<p>Yes, though noted that it has proceeded ahead of the LSPS schedule.</p>

## 2.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

	Consistent
<p><b>Proponent's Submission:</b></p> <p>The planning proposal is the best means of achieving the objectives and intended outcomes for the site in a manner which will provide an appropriate model for the growth which also includes a significant public benefit.</p> <p><b>Council's Assessment:</b></p> <p>Agreed. This assessment recommends that a broader strategic review involving community consultation, delivery of the proposed public benefits and a more detailed investigation of the necessary infrastructure requirements to support compatible development in Chester Hill be undertaken.</p>	Yes.

## 2.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

### 2.3.1 Greater Sydney Region Plan (*A Metropolis of Three Cities*)

	Consistent
<p><b>Proponent's Submission:</b></p> <p>Refer to section 1.1.1 of this attachment.</p> <p><b>Council's Assessment:</b></p> <p>Refer to section 1.1.1 of this attachment.</p>	Yes. Refer to section 1.1.1 of this attachment.

### 2.3.2 South District Plan

	Consistent
<p><b>Proponent's Submission:</b></p> <p>Refer to section 1.1.2 of this attachment.</p> <p><b>Council's Assessment:</b></p> <p>Refer to section 1.1.2 of this attachment.</p>	Yes. Refer to section 1.1.2 of this attachment.

## 2.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

### 2.4.1 Community Strategic Plan (CBCity 2028)

	Consistent
<p><b>Proponent's Submission:</b></p> <p>The planning proposal is consistent with the identified destinations in that it will accommodate population growth in an established centre in a manner which contributes to housing diversity and the quality of the local housing stock. The increased residential population in the centre will contribute to the vibrancy and vitality of the centre and the proposal will deliver improved connectivity and permeability, increased street activation as well as a new central 'town square' which will be an important publicly accessible open space area within the centre of the site. The development will provide high density housing including a quantum of affordable housing in proximity to transport nodes and contribute towards dwelling targets within Canterbury Bankstown, as well as provide employment through the proposed commercial uses.</p> <p><b>Council's Assessment:</b></p> <p>Agreed. The planning proposal can help achieve a number of outcomes identified in the CBCity 2028.</p>	Yes.

### 2.4.2 Local Strategic Planning Statement (Connective City 2036)

	Consistent
<p><b>Proponent's Submission:</b></p> <p>Not addressed as the draft LSPS was not released for public comment at the time the planning proposal was lodged.</p> <p><b>Council's Assessment:</b></p> <p>Refer to section 1.2.1 and 2.1 of this attachment.</p>	Yes.

### 2.4.3 Affordable Housing Strategy 2020

	Consistent
<p><b>Proponent's Submission:</b></p> <p>Not addressed as the affordable housing strategy was not released for public comment at the time the planning proposal was lodged.</p> <p><b>Council's Assessment:</b></p> <p>The planning proposal's latest letter of offer revised the affordable housing offer from dedication to Council to retention by the proponent. Council's recently adopted Affordable Housing Strategy requires a minimum dedication of 5% affordable housing to Council, as originally proposed by the proponent.</p>	No, as the affordable housing strategy requires dedication of affordable housing to Council.

#### 2.4.4 Employment Lands Strategy

	Consistent
<p><b>Proponent's Submission:</b></p> <p>Not addressed as the employment lands strategy was not released for public comment at the time the planning proposal was lodged.</p> <p><b>Council's Assessment:</b></p> <p>The employment lands strategy identifies that the Chester Hill local centre lacks quality pedestrian connections, civic spaces and public domain. Demand for additional retail and commercial floor space of 5,900m<sup>2</sup> is forecast to support the population to 2036.</p> <p>The planning proposal will provide approximately 15,621m<sup>2</sup> of commercial and retail floor space on the site (including redevelopment of the existing commercial / retail on site). Public domain works, a library civic space and public plaza are also proposed for the site, consistent with the employment lands strategy.</p>	Yes

#### 2.4.5 Housing Strategy 2020

	Consistent
<p><b>Proponent's Submission:</b></p> <p>Not addressed as the housing strategy was not released for public comment at the time the planning proposal was lodged.</p> <p><b>Council's Assessment:</b></p> <p>The Housing Strategy recognises Chester Hill as a local centre and states that the north west local area plans were incorporated as amendments to the Bankstown LEP 2015. The Housing Strategy nominated the north west area to be reviewed, and Chester Hill to provide increased capacity for renewal and vitality with the core of the centre. Whilst it is acknowledged that planning for renewal was forecast for 2026, the housing strategy also details that built form controls for the B2 zone will be through place based planning. As the proposal is the key landholding of the centre, the proposed renewal of the site and catalyst public benefits will facilitate place based planning conversations with residents and business owners about the future of Chester Hill.</p>	Yes, subject to community consultation and master planning of the surrounding context in the future.

## 2.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

	Consistent
<b>Proponent's Submission:</b>  The Planning Proposal is consistent with all relevant State Environmental Planning Policies.  <b>Council's Assessment:</b>  Refer to Section 3.0	Yes

## 2.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

	Consistent
<b>Proponent's Submission:</b>  Refer to Section 4.0  <b>Council's Assessment:</b>  Refer to Attachment 4.0	Yes

## 2.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

	Consistent
<b>Proponent's Submission:</b>  No threatened species, populations or ecological communities have been observed on the site. It is unlikely due to the urban context, history of the site and the surrounding area that there are any threatened species populations or communities that are at the limit of their known distribution with regard.  <b>Council's Assessment:</b>  Agreed.	Yes.

**2.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

	Consistent
<p><b>Proponent's Submission:</b></p> <p>The site is not affected by any known natural hazards such as flooding, land slip or bushfire.</p> <p>Due to the historical use of the site originally for detached housing and subsequently for a shopping centre it is considered unlikely that there are any significant contamination issues with the site.</p> <p><b>Council's Assessment:</b></p> <p>Agreed.</p>	Yes

**2.9 Has the planning proposal adequately addressed any social and economic effects?**

	Consistent
<p><b>Proponent's Submission:</b></p> <p>The development will provide high density housing including a quantum of affordable housing in proximity to transport nodes.</p> <p>The public benefit offer will also provide 5% of housing for affordable housing.</p> <p>The planning proposal is also accompanied by an Economic Impact Assessment that demonstrates that the proposed development will generate economic investment and local employment opportunities.</p> <p><b>Council's Assessment:</b></p> <p>Agreed.</p>	Yes

**2.10 Is there adequate public infrastructure for the planning proposal?**

	Consistent
<p><b>Proponent's Submission:</b></p> <p>Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.</p> <p>The site is well served by public transport infrastructure in that the site is within walking distance of the Chester Hill Station and numerous bus services.</p> <p>The proposal is also accompanied by a public benefit offer for the delivery of additional infrastructure within Chester Hill in support of the proposal.</p> <p><b>Council's Assessment:</b></p> <p>Agreed, subject to the proposed public benefit offer.</p>	Yes.

**2.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

	Complies
<p><b>Proponent's Submission:</b></p> <p>Relevant public authorities will be consulted following the Gateway Determination. It is expected that Roads and Maritime Services may be consulted in relation to the project.</p> <p><b>Council's Assessment:</b> The proposal has not been the subject of formal consultation with State and Commonwealth public authorities. This would be undertaken post Gateway, should Council decide to proceed with a planning proposal.</p>	Yes

### 3.0 State Environmental Planning Policies

SEPPs (as at October 2019)		Applicable	Consistent
19	Bushland in Urban Areas	No	N/A
21	Caravan Parks	No	N/A
33	Hazardous & Offensive Development	No	N/A
36	Manufactured Home Estates	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	No	N/A
55	Remediation of Land	Yes	Yes
64	Advertising & Signage	No	N/A
65	Design Quality of Residential Apartment Development	No	N/A
70	Affordable Housing (Revised Schemes)	No	N/A
	(Aboriginal Land) 2019	No	N/A
	(Affordable Rental Housing) 2009	No	N/A
	(Building Sustainability Index: BASIX) 2004	No	N/A
	(Coastal Management) 2018	No	N/A
	(Concurrences) 2018	No	N/A
	(Educational Establishments & Child Care Facilities) 2017	No	N/A
	(Exempt & Complying Development Codes) 2008	No	N/A
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	No	N/A
	(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production & Extractive Industries) 2007	No	N/A

	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production & Rural Development) 2019	No	N/A
	(State & Regional Development) 2011	No	N/A
	(State Significant Precincts) 2005	No	N/A
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non-Rural Areas) 2017	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
	Greater Metropolitan REP No.2–Georges River Catchment	No	N/A

#### 4.0 Ministerial Directions

Direction & Issue Date		Applicable	Consistent
<b>Employment and Resources</b>			
1.1	Business and Industrial Zones [01/05/17]	Yes	Yes
1.2	Rural Zones [14/04/16]	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [28/02/19]	No	N/A
<b>Environment and Heritage</b>			
2.1	Environment Protection Zones [14/04/16]	No	N/A
2.2	Coastal Management [03/04/18]	No	N/A
2.3	Heritage Conservation [01/07/09]	No	N/A
2.4	Recreation Vehicle Areas [14/04/16]	No	N/A
2.5	Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
2.6	Remediation of Contaminated Land [17/04/20]	Yes	Yes
<b>Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones [14/04/16]	No	N/A
3.2	Caravan Parks & Manufactured Home Estates [14/04/16]	No	N/A
3.3	Home Occupations [01/07/09]	No	N/A
3.4	Integrating Land Use & Transport [14/04/16]	Yes	Yes
3.5	Development Near Licensed Aerodromes [20/08/18]	No	N/A
3.6	Shooting Ranges [16/02/11]	No	N/A
3.7	Reduction in Non-Hosted Short Term Rental Accommodation Period [15/02/19]	No	N/A
<b>Hazard and Risk</b>			
4.1	Acid Sulfate Soils [01/07/09]	No	N/A
4.2	Mine Subsidence & Unstable Land [14/04/16]	No	N/A

4.3	Flood Prone Land [01/07/09]	No	N/A
4.4	Planning for Bushfire Protection [01/07/09]	No	N/A
<b>Regional Planning</b>			
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast [01/05/17]	No	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	No	N/A
5.11	Development of Aboriginal Land Council Land [06/02/19]	No	N/A
<b>Local Plan Making</b>			
6.1	Approval & Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	No	N/A
6.3	Site Specific Provisions [01/07/09]	No	N/A
<b>Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney [14/01/15]	No	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation [22/09/15]	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy [09/12/16]	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use & Infrastructure Implementation Plan [15/05/17]	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use & Infrastructure Plan [25/07/17]	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use & Infrastructure Plan [05/08/17]	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17]	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use & Infrastructure Plan [20/08/18]	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan [25/09/18]	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct [25/09/18]	No	N/A

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